

CHAPTER 12
CRITERIA OF PROFESSIONAL PRACTICES
 [Prior to 6/15/88, see Professional Teaching Practices Commission[640] Ch 3]
 [Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 3]

282—12.1(272) Contractual and other legal obligations.

12.1(1) Statutory provisions.

a. The board recognizes the need for all members of the profession to be cognizant of the statutes of the state of Iowa which deal with contractual and other legal obligations. A violation of any of the school laws of Iowa constitutes a violation of the criteria of the board of educational examiners.

b. The board recognizes its responsibility to investigate cases which involve the habitual failure of a practitioner to fulfill contractual obligations under Iowa Code section 279.13.

12.1(2) Written contracts. The board recognizes the need for a common basis upon which teachers and boards of education may agree. The effectiveness of a written contract will be dependent upon mutual confidence and good faith in which both parties enter into and agree. Boards of education have final authority and responsibility to enter into written contractual agreements.

282—12.2(272) Conviction of crimes, sexual and other immoral conduct with or toward students and alcohol or drug abuse.

12.2(1) It is hereby deemed unprofessional and in violation of the criteria of this board for a member of the teaching profession to be guilty of any of the following acts or offenses:

a. Fraud in the procurement or renewal of a practitioner's license as defined in Iowa Code chapter 272.

b. The commission of or conviction for a public offense as defined by the Criminal Code of Iowa, provided that the offense is relevant to and affects teaching or administrative performance.

c. Sexual involvement with a student. Sexual involvement includes the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus, or breasts of a student; permitting or causing to fondle or touch the practitioner's inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in Iowa Code section 702.17.

d. Chronic abuse of or addiction to alcohol or other drugs, where such abuse or addiction affects performance of educational duties. Where drug addiction has been caused by the use of drugs under the directions of a physician, the board shall allow a reasonable period of time for treatment before taking any action affecting the practitioner's license.

e. Physical or sexual abuse of a child as evidenced by a founded abuse report against the person.

12.2(2) Criminal convictions and founded child abuse.

a. Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has been convicted, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

(1) Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

(2) Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:

1. First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;

2. Lascivious acts with a child;

3. Detention in a brothel;

4. Assault with intent to commit sexual abuse;

5. Indecent contact with a child;

6. Sexual exploitation by a counselor; or

7. Lascivious conduct with a minor;

- (3) Incest involving a child as prohibited by Iowa Code section 726.2;
- (4) Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2; or
- (5) Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15.

b. Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction or a founded report of physical or sexual abuse of a child, the board shall consider:

- (1) The nature and seriousness of the crime or founded abuse in relation to the position sought;
- (2) The time elapsed since the crime or founded abuse was committed;
- (3) The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
- (4) The likelihood that the person will commit the same crime or abuse again;
- (5) The number of criminal convictions or founded abuses committed; and
- (6) Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

282—12.3(272) Ethical practice toward other members of the profession, parents, students and the community.

12.3(1) Principle I—commitment to the student. The educator measures success by the progress of each student toward realization of potential as a worthy and effective citizen. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling obligations to the student, the educator:

- a.* Shall not without just cause restrain the student from independent action in a pursuit of learning, and shall not without just cause deny the student access to varying points of view.
- b.* Shall not deliberately suppress or distort subject matter for which the educator bears responsibility.
- c.* Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
- d.* Shall conduct professional business in such a way that the educator does not expose the student to unnecessary embarrassment or disparagement.
- e.* Shall not on the ground of race, color, creed, age, sex, physical or mental handicap, marital status, or national origin exclude any student from participation in or deny the student benefits under any program, nor grant any discriminatory consideration or advantage.
- f.* Shall not use professional relationships with students for private advantage.
- g.* Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- h.* Shall not tutor for remuneration students assigned to the educator's classes, unless no other qualified teacher is reasonably available.

12.3(2) Principle II—commitment to the public. The educator believes that patriotism in its highest form requires dedication to the principles of our democratic heritage. The educator shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all and for interpreting educational programs and policies to the public. In fulfilling an obligation to the public, the educator:

- a.* Shall not misrepresent an institution or organization with which the educator is affiliated, and shall take adequate precautions to distinguish between personal and institutional or organizational views.
- b.* Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.

c. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.

d. Shall not use institutional privileges for monetary private gain or to promote political candidates or partisan political activities.

e. Shall accept no gratuities, gifts, or favors that might impair or appear to impair professional judgment, nor offer any favor, service, or thing of value to obtain special advantage.

12.3(3) Principle III—commitment to the profession. The educator believes that the quality of the services of the education profession directly influences the nation and its citizens. The educator therefore exerts every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. In fulfilling an obligation to the profession, the educator:

a. Shall not discriminate on the ground of race, sex, age, physical handicap, marital status, color, creed or national origin for membership in the profession, nor interfere with the participation or non-participation of colleagues in the affairs of their professional association.

b. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.

c. Shall not use coercive means or promise special treatment in order to influence professional decisions of colleagues.

d. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves professional purposes.

e. Shall not refuse to participate in a professional inquiry when requested by the commission board.

f. Shall provide upon the request of the aggrieved party a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment or termination of employment.

g. Shall not misrepresent professional qualifications.

h. Shall not knowingly distort evaluations of colleagues.

12.3(4) Principle IV—commitment to professional employment practices. The educator regards the employment agreement as a pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. The educator believes that sound professional personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect. The administrator discourages the practice of the profession by unqualified persons. In fulfilling the obligation to professional employment practices, the educator:

a. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.

b. Should recognize salary schedules and the salary clause of an individual teacher's contract as a binding document on both parties. The educator should not in any way violate the terms of the contract.

c. Shall not knowingly withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

d. Shall give prompt notice to the employing agency of any change in availability of service, and the employing agent shall give prompt notice of change in availability or nature of a position.

e. Shall adhere to the terms of a contract or appointment, unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employing agency.

f. Shall not delegate assigned tasks to unqualified personnel.

g. Shall use time or funds granted for the purpose for which they were intended.

12.3(5) Principle V—commitment of board members and staff. The board members and staff will be independent and impartial and not use the public office for private gain. In fulfilling their obligation the board employees will not:

- a. Receive any remuneration for services, other than that payable by law.
 - b. Solicit, accept, or agree to accept any gifts, loans, gratuities, discounts, favors, hospitalities or services from anyone with vested interests in board matters.
 - c. Disclose confidential information garnered from official duties.
 - d. Solicit, accept or agree to accept compensation contingent upon board actions.
 - e. Hold positions, perform duties, or engage in activities not compatible with official capacity.
- These rules are intended to implement Iowa Code chapter 272.

[Filed July 12, 1973]

[Filed 1/17/78, Notice 11/2/77—published 2/8/78, effective 3/15/78]

[Filed without Notice 6/8/78—published 6/28/78, effective 8/15/78]

[Filed 10/8/80, Notice 4/30/80—published 10/29/80, effective 12/5/80]

[Amendment to subrule 3.1(1), paragraph “b” rescinded by Governor’s Administrative Rules Executive Order No. 6 on 12/2/80—published 12/24/80]

[Filed emergency 5/25/88—published 6/15/88, effective 5/25/88]

[Filed emergency 4/26/90—published 5/16/90, effective 4/27/90]

[Filed 7/23/99, Notice 5/5/99—published 8/11/99, effective 9/15/99]

[Filed 11/21/01, Notice 9/5/01—published 12/12/01, effective 1/16/02*]

[Filed 5/23/03, Notice 12/11/02—published 6/11/03, effective 7/16/03]

*At its meeting held January 8, 2002, the Administrative Rules Review Committee voted to delay the effective date of 12.2(2) until adjournment of the 2002 Session of the General Assembly.